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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,287	10/18/2001	Bernhard Dohrmann	59575-014	6542

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EXAMINER

ROVNAK, JOHN EDMUND

ART UNIT PAPER NUMBER

3714

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,287

Applicant(s)

DOHRMANN, BERNHARD *cn*

Examiner

John E. Rovnak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12, 14, 18-21, 27-30 and 37-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Easterbrook.

Easterbrook discloses a computer implemented delivery system and method for instructional information comprising: at least one source that provides data (Fig. 3 (29, 29a, 29b, 29c); at least one user interface that receives from a user (25, 22, 23, 21a, 21b, 21c); a plurality of output devices that receive audio and visual components of the instructional information (Fig. 1b); a processor that generates audio and visual components of instructional information from provided data to at least one output device according to a software algorithm containing at least one predetermined rule (Col. 3 lines 39-45 and Fig. 4); and communication links that transmit data and information between the at least one source, the user interface, the processor and the output devices (Fig. 4).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easterbrook.

Regarding claims 8-11, it would have been obvious to one of ordinary skill in the art, in view of Fig. 2b, that the display screen could be divided into any number of viewing areas of unequal area.

Regarding claims 15-17, Easterbrook discloses a network with remote communication capability (Fig. 4). Use of a LAN, WAN or Internet network would have been conventional practice at the time of the invention and therefore would have been

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obvious to one of ordinary skill in the art to implement for the Easterbrook network.

Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easterbrook in view of Levin et al.

See the discussion regarding claim 1. Levin et al teaches the use of a user interface that provides comments and instructions related to displayed images and broadcast sound (col. 1 lines 60-68 and col. 2 lines 1-2). Easterbrook (col. 3 lines 24-26) discusses the use of comments and instructions related to displayed images and broadcast sound. It would have been obvious to one of ordinary skill in the art that the interface teaching of Levin et al would be useful for the instruction system of Easterbrook and obvious to include with the Easterbrook system.

Claims 22-25, 31 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easterbrook al in view of Konopka et al and further in view of Stein. Easterbrook discloses that the instructor provides input through an inherent graphical user interface (col. 2 lines 27-29). Konopka et al teaches that an instructor's interface can be a touch panel, including graphical representation of control panels (col. 8 lines 45-56). It would have been obvious to one of ordinary skill in the art that the instructor using the Easterbrook system could use the instructor interface of Knopka.

Stein teaches the use of a graphical user interface that includes an area for an active source window displaying an image that is shown on output devices. Stein teaches the display of images form video sources. Easterbrook discloses the display of images from cameras, VCR and DVD. The Easterbrook system is for use by an instructor and remote student. It would have been obvious to include the instructor display teachings of Knopka and Stein for an improved instrutor PC in the Easterbrook system.

Furthermore, Easterbrook discloses the use of various video sources for teaching. It would have been obvious to one of ordinary skill in the art that Internet video sources could be used by Easterbrook for presentation of expert tutor images.


Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentableEasterbrook al in view of Konopka et al, Stein and further in view of Levin et al. See the above disucssion of the teachings of Knopka et al, Stein and Levin et al. Levin et al teaches the use of an annotation device that adds comments by the user, such a device being useful for a sports training system as taught by Easterbrook. It would therefore have been obvious to include an annotation device as taught by Leven et al with the Easterbrook system as modified by the teachings of Knopka et al and Stein as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Rovnak whose telephone number is (703) 308-

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3087. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


John Rovnak
Primary Examiner
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